

MILES TOLBERT, 4-13-09

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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,))
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES))
FOR THE STATE OF OKLAHOMA,)
)
Plaintiff,)
)
vs.) 4:05-CV-00329-TCK-SAJ
)
TYSON FOODS, INC., et al,)
)
Defendants.)

THE VIDEOTAPED DEPOSITION OF
MILES TOLBERT, produced as a witness on behalf of
the Defendants in the above styled and numbered
cause, taken on the 13th day of April, 2009, in the
City of Oklahoma City, County of Oklahoma, State of
Oklahoma, before me, Lisa A. Steinmeyer, a Certified
Shorthand Reporter, duly certified under and by
virtue of the laws of the State of Oklahoma.

Exhibit 10

TULSA FREELANCE REPORTERS
918-587-2878

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1 for farmers who land apply poultry litter. Is that
2 what it boils down to?

3 MR. BULLOCK: Object to form.

4 A There's one system for municipal discharges
5 and there's another system for poultry.

03:59PM

6 Q Okay, and the system for municipal dischargers
7 allows direct discharge of pollutants into the
8 waters of the State of Oklahoma; correct?

9 A Yes.

10 Q And the other allows a poultry farmer to apply
11 poultry litter, which contains phosphorus and other
12 constituents, to lands within the Illinois River
13 watershed?

03:59PM

14 A I don't know that either -- I don't -- again,
15 I think there's no permit that's issued in the
16 poultry context. So I don't know that you could say
17 it is somehow expressly allowed.

04:00PM

18 Q Okay. So are you saying the State of Oklahoma
19 does not allow farmers to apply poultry litter to
20 the lands within the Illinois River watershed?

04:00PM

21 A No.

22 MR. BULLOCK: Object to form.

23 Q Are you familiar with anyone who has worked
24 for or currently works for Peterson Farms?

25 A For Peterson Farms? I don't think so.

04:00PM

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